

REMARKS/ARGUMENTS

1.) Claim Amendments

In order to expedite prosecution, claims 1, 9, 15, 27, 34 and 40 have been amended, claims 14 and 39 have been cancelled, and claims 45 and 46 have been added. Accordingly, claims 1-13, 15-20, 27-38 and 40-46 are now pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Allowable Claims

The Examiner indicated that claims 14, 15, 39 and 40 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. The Applicants thank the Examiner for the indication of allowable subject matter. In order to expedite prosecution, the Applicants have amended claims 1 and 27 to include the allowable subject matter of claims 14 and 39, respectively, which have been cancelled; the dependencies of each of claims 14 and 39 have been changed to claims 1 and 27, respectively. Therefore, claims 1 and 27 are now allowable. Whereas claims 2-8, 12, 13 and 15-20 are dependent from claim 1 and claims 28-33, 37, 38 and 40-44 are dependent from claim 27, and include the limitations of their respective base claim, they are also now allowable.

3.) Claim Rejections under 35 U.S.C. §103(a)

The Examiner has maintained the rejection of claims 1-4, 6, 7, 9, 11, 27-29, 31, 32, 34 and 36 as being unpatentable over Mousley, *et al.* (U.S. Patent Publication No. 2002/0028691) in view of Hwang, *et al.* (U.S. Patent Publication No. 2002/0060997); claims 5, 8, 10, 12, 13, 18, 30, 33, 35, 37 and 38 as being unpatentable over Mousley in view of Hwang and "Admitted Prior Art;" claims 16 and 41 as being unpatentable over Mousley in view of Hwang and Zeira, *et al.* (U.S. Patent Publication No. 2008/0267123); claims 17 and 42 as being unpatentable over Mousley in view of Hwang and Vanttinen, *et al.* (U.S. Patent Publication No. 2002/0065086); claims 19 and 43 as being unpatentable over Mousley in view of Hwang and Malladi, *et al.* (U.S. Patent No. 7,352,722); and, claims 20 and 44 as being unpatentable over Mousley in

view of Hwang, Malladi and Love, *et al.* (U.S. Patent Publication No. 2004/0116143). For the following reasons, claims 1-13, 15-20, 27-38 and 40-46 are patentable over the cited references.

Claims 1-8, 12, 13, 15-20, 27-33, 37, 38 and 40-44

As noted *supra*, the Applicants have amended claims 1 and 27 to include the allowable subject matter of claims 14 and 39; therefore, claims 1 and 27 are now allowable, as well as claims 2-8, 12, 13, 15-20, 28-33, 37, 38 and 40-44, which are dependent from those claims.

Claims 9-11 and 34-36

The Examiner rejected claims 9 and 34 as being unpatentable over Mousley and Hwang. The Applicants traverse those rejections.

Claims 9 and 34 have been rewritten in independent form; *i.e.*, claim 9 has been rewritten to include the subject matter of claim 1 (as pending prior to amendment herein to incorporate the allowable subject matter of claim 14), and claim 34 has been rewritten to include the subject matter of claim 27 (as pending prior to amendment herein to incorporate the allowable subject matter of claim 39). It is noted that the Examiner indicated that claims 14 and 39 would be allowable if rewritten in independent form, as has been done in this response. Claims 14 and 39 are directed to an embodiment of the invention summarized in paragraph [0013] of the application. An alternative embodiment, summarized in paragraph [0012], corresponds to claims 9 and 34, which have now been rewritten in independent form. In rejecting claims 9 and 34, the Examiner asserted that Mousley teaches the limitations of claim 1, wherein "when the first radio network entity detects a missing or erroneous data unit, the first radio network entity sends a negative acknowledgement to the mobile radio and an error event indicator to the second radio network entity." referring to paragraph [0074] thereof. (emphasis added) Although paragraph [0074] does describe the sending of a "negative acknowledgement," there does not appear to be any teaching therein of also sending an error event indicator to a second radio network entity in response to a first radio network entity detecting a missing or erroneous data unit, as recited in claims 9 and 34.

Therefore, those claims, as amended into independent form, are not obvious over Mousley and Hwang. Furthermore, whereas claims 10-11 and 35-36 are dependent from claims 9 and 34, respectively, and include the limitations thereof, they are also not obvious over Mousley and Hwang.

Claims 45 and 46

In responding to Applicants' prior arguments, the Examiner suggested that claim 1 be amended to reflect the argued example, wherein the first radio network entity and the second radio network entity are a radio base station and a radio network controller, respectively, which the Examiner indicated as not being taught by the prior art. The Applicants thank the Examiner for indicated further subject matter believed to be patentable over the prior art. In order to present claims specifically limited to such an embodiment, new claim 45 is presented; claim 45 corresponds to claim 1 amended to reflect that the first radio network entity and the second radio network entity are a radio base station and a radio network controller, respectively. Based on the Examiner's recommended amendment of claim 1, therefore, claim 45 should be allowable. Similarly, the Applicants present new claim 46, which corresponds to claim 27 amended to reflect that the first radio network entity and the second radio network entity are a radio base station and a radio network controller, respectively. For the same reasons that the Examiner indicated claim 1 would be allowable if so amended, claim 46 should be allowable since it contains analogous limitations.

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CONCLUSION

In view of the foregoing amendments and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-13, 15-20, 27-38 and 40-46.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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